761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: April 12, 2007

OFFICE CORRESPONDENCE FILE NO. SH2164948

FROM: JOHNNY G. JURADO, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: JOSEPH F. GAGLIARDI, CAPTAIN
SAFE STREETS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on February 16, 2006.

The Committee met on April 12, 2007, and consisted of Commanders Eric B. Smith (Leadership and Training Division), John A. Franklin (Commander of the Department), and Arthur Ng (FOR I). The Committee determined the use of force by Lieutenant James Tatreau and Deputy Russell Helbing was within Department policy.

Please advise the lieutenant and the deputies of these findings.

JGJ:MOT:mt

Table of Contents

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 02-16-06	Bureau/Station/Facility: OSS-GET, COMPTON	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 006-02848-2830-013	Date: 02-16-06 Time: 2140
City or Station: Compton	Nature of Incident: Deputies responding to an armed robbery call observed the suspects fleeing from the location. Deputies chased the suspects on foot and ordered them to halt. On officer involved shooting occurred when the suspect pointed a shot-gun at the deputies.
Location: Central Avenue at 148th Street Compton	

Location Type (*circle one or more*):
Backyard
Beach
Business
Freeway
Industrial
Park
Parking Lot
Residence (circled)
Rural
School
Street
Other: ____________

Lighting (*circle only one*):
Darkness (circled)
Daylight
Other
Street Lights

Weather (*circle only one*):
Clear
Cloudy (circled)
Fog
Rain

Distance: 15 feet

Incident Type (*circle one or more*):
Accidental
Armed Person (circled)
Fleeing Suspect (circled)
Foot Pursuit (circled)
Gun Take Away
Moving Vehicle
Sniper/Ambush
Startle
Struggle Involved
Traffic Stop
Unarmed Person
Unintentional
Vehicle Pursuit
Warrant Service
Warning Shot
Other: ____________

Initiated by (*circle only one*):
Arrest Warrant
Call (circled)
Observation
One Person Unit
Other
Search Warrant
Two Person Unit

Prior Activity (*circle only one*):
Detective
Inmate Transport
Other
Routine Patrol (circled)

Aero Unit? ☒ Canine Unit? ☐

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
5 & 4 (9) nine	None

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*): EM / PM / Day	ShiftType (*circle only one*): Regular / Overtime / Off Duty
[redacted]	MERTENS	DAVID	V.	PM (circled)	Regular (circled)
[redacted]	TORRES	EDMUNDO	F.	PM (circled)	Regular (circled)

Non-Employee Witnesses

Last Name	First Name	M.I.			
[redacted] (Deputy Probation Officer # [redacted]	[redacted]				
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**	
200 West Compton Blvd, Suite #300	Compton	90220	310 603-7311		
Last Name	**First Name**	**M.I.**			
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**	
Last Name	**First Name**	**M.I.**			
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**	

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*): On Duty / Present during shooting / Witness to shooting / Involved in shooting
[redacted]	PLAIR	VINCENT	E.	On Duty (circled)
[redacted]	TATREAU	JAMES		On Duty (circled), Present during shooting (circled), Witness to shooting (circled), Involved in shooting (circled)

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	SKRNICH	STEVEN	J.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	HELMOND	JAMES	J.

PSTD Use Only

SH # SH 2164948

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

URN: 006-02848-2830-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
02-16-06	2330	02-20-07	

Employee #	Last Name	First Name	M.I
[redacted]	HARRIS	JOHN	W.
[redacted]	GARCIA	BEN	
[redacted]	PARKER	MICHAEL	J.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S # 1	E # 1	FS	WN	12			NN	NA
S # 1	E # 2	FS	WN	12			NN	NA
E #1 Tatreau	S # 1	FH	BR	9	Y	Y	GS	BK
E #2 Helbing	S # 1	FH	HK	45	Y	Y		
E #1 Tatreau	S # 2	FH	DA	38			GS	AK
E #2 Helbing	S # 2	FH	DA	38			GS	AK



Officer Involved Shooting
Involved Employee Information

URN: 006-02848-2830-013

Involved Employee

E 1

Employee # [redacted]	Last Name TATREAU	First Name JAMES	M.I.
Sex: M Race: W.	Rank Sergeant	Unit Assignment: OSS, Compton GET	Work Assignment (Unit #, Module, etc.): 280-GS
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 6-8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, **Raid Jacket w/ Vest**, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted]	Height: 6' 01"	Weight: 210	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] — Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E 2

Employee # [redacted]	Last Name HELBING	First Name RUSSELL	M.I.
Sex: M Race: W.	Rank Deputy	Unit Assignment: OSS, Compton GET	Work Assignment (Unit #, Module, etc.): 280-G12
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, **Raid Jacket w/ Vest**, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted]	Height: 6" 02"	Weight: 251	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] — Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height:	Weight:	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ — Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 006-02848-2830-013

Suspect Information

S 1

Last Name DAVIS		First Name FREDDIE	M.I. L.
AKA Last Name		First Name	M.I.
Sex: M Race: Black	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted] / Social Security #: [redacted]		Driver's License #: [redacted]
Age: 22 D.O.B. 09-22-1983	Height: 5' 09" Weight: 160 / FBI # [redacted]		CII # [redacted]
Booking # N/A	Primary Charge: 211PC	Secondary Charge: 12025 A(2) PC	
Coroner Case? ☒	Coroner Case # 2006-01335	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make N/A		Model: N/A	Year: N/A

S 2

Last Name DAVIS		First Name KEYANTE	M.I.
AKA Last Name		First Name	M.I.
Sex: M Race: Black	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted] / Social Security #: [redacted]		Driver's License #: [redacted]
Age: 21 D.O.B. 08-12-1985	Height: 5' 11" Weight: 280 / FBI # [redacted]		CII # [redacted]
Booking # 8931825	Primary Charge: 211PC	Secondary Charge: 12025 A(2) PC	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☒	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make NA		Model: NA	Year: NA

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone: / Social Security #:		Driver's License #:
Age: D.O.B.	Height: Weight: / FBI #		CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone: / Social Security #:		Driver's License #:
Age: D.O.B.	Height: Weight: / FBI #		CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

Investigative Summary

Incident : Deputy Involved Hit-Shooting, Suspect Deceased, Additional Suspect Injured and In-custody
IAB File # SH 2164948
URN# 006-02848-2830-013

Opening Statement

On February 16, 2006, Internal Affairs Bureau investigators responded to a command post located at 1900 West Rosecrans Avenue, in the city of Compton. At the command post, Sergeant John Harris, Sergeant Ben Garcia and Lieutenant Mike Parker were briefed by Homicide Detectives regarding the circumstances leading up to a Deputy Involved Hit-Shooting. Sergeant Harris was assigned the responsibility for the administrative investigation and review of the incident.

Synopsis

Compton Sheriff's Station patrol units were dispatched to the "F&C" Liquor Store regarding a "Man with a Gun"call. Information received from the informant indicated that there were two male blacks inside the liquor store, which is located at 2000 W. Compton Boulevard, in the city of Compton. The caller said one of the males was armed with a shotgun. The suspect was described as wearing a gray flannel shirt and blue shorts.

Patrol units responded to the location, and began to coordinate their response via the radio.

Compton Gang Enforcement Team (GET) units' 280GS, Sergeant Jim Tatreau, #[redacted] and 280G12, Deputy Russell Helbing, #[redacted] and their partners also responded to the area. As the GET units were driving south on Central Avenue, they saw two males walking in the area of 148th Street and Central Avenue. The males were on the west side of Central Avenue and matched the physical description of the suspects in the earlier call.

Sergeant Tatreau was driving a marked black and white Sheriff's vehicle. The passengers in his vehicle were Deputy Mertens (book man) and Deputy Probation Officer [redacted] who was the rear seat passenger. They were traveling southbound Central Avenue. They saw two men who matched the description of the call walking northbound on Central Avenue on the west sidewalk. Sergeant Tatreau stopped along the side of the curb, exited the vehicle, and called out to the men. The men (later identified as Suspect # 1 Freddie Davis and his [redacted] Suspect # 2 Keyonte Davis) began running northbound on Central Avenue. Sergeant Tatreau, along with his partner, Deputy Mertens, pursued them on foot.

Simultaneously, Deputy Helbing drove his marked patrol unit southbound Central Avenue past the two suspects who were now running northbound, and made a U-turn. He was accompanied by his partner Deputy Torres. The Suspects stepped off the curb onto the crosswalk that crosses 148th Street. Suspect #1 Freddie Davis turned toward the deputies holding a sawed-off shotgun. Sergeant Tatreau and Deputy Helbing fired several rounds at Suspect #1 Freddie Davis hitting him several times. Suspect #1 Freddie Davis fell to the ground and dropped the shotgun.

The other man, Suspect #2 Keyonte Davis, ran westbound on 148th Street. Deputy Helbing drove westbound on 148th Street and detained Suspect #2 Keyonte Davis where he was handcuffed and placed in Deputy Helbing's radio car. Suspect #2 Keyonte Davis sustained a grazing gunshot wound to his left leg. A loaded .380 caliber handgun was recovered from the jacket which Suspect # 2 discarded.

Both suspects were transported to Harbor General Hospital for treatment of their injuries. Suspect #1 Freddie Davis subsequently succumbed to his injuries.

District Attorney's Letter of Opinion

On October 12, 2006, a letter of opinion was authored by Los Angeles County Deputy District Attorney Tal Kahana of the Justice Integrity Division and forwarded to the Los Angeles County Sheriff's Department Homicide Bureau.

The following is an excerpt from the District Attorney's Letter of Opinion, written by Deputy District Attorney Kahana, **"We conclude that Sergeant Tatreau and Deputy Helbing reasonably believed that they were in imminent danger of being shot by Freddie Davis and acted lawfully in self-defense and the defense of others when they used deadly force. We are therefore closing our file and will take no further action in this matter."** (Refer to **Exhibit G**, for additional information)

Involved Personnel

Sergeant James Tatreau #[redacted]	**OSS GET-Compton Station**
Date of Employment:	06-29-1989
Date Assigned to Patrol:	[redacted]
Completed Patrol Training:	
Prior Shooting Incident(s):	
Prior Founded Force Incidents:	
Deputy Russell Helbing #[redacted]	**OSS GET-Compton Station**
Date of Employment:	02-05-1991
Date Assigned to Patrol:	[redacted]
Completed Patrol Training:	
Prior Shooting Incident(s):	Yes, 01-26-2006
Prior Founded Force Incidents:	[redacted]

Suspects

1 of 2 DAVIS, Freddie Lee, MB, 09-12-83, [redacted]

An inquiry into the Consolidated Criminal History Reporting System (CCHRS) [redacted] Suspect Freddie Davis [redacted] Refer to **Exhibit E** for additional information.

2 of 2 DAVIS, Keyonte MB, 08-12-85, [redacted]

An inquiry into the Consolidated Criminal History Reporting System (CCHRS) [redacted] Refer to **Exhibit E** for additional information.

Non-Department Witnesses

[redacted] **Deputy Probation Officer, #**[redacted]
Los Angeles County Department of Probation
Work address - 200 West Compton Blvd., Suite 300, Compton 90220, (310) 603-7311
(310) 603-7311

Sheriff's Department Witnesses

TORRES, Edmundo, Deputy Sheriff, #[redacted]
Gang Enforcement Team- Compton Station

MERTENS, David, Deputy Sheriff #[redacted]
Gang Enforcement Team- Compton Station

Injuries

Suspect #1 Freddie Davis- On February 17, 2006, at approximately 0400 hours, Homicide Detectives responded to Harbor General Hospital Intensive Care Unit, and spoke to Doctor B. Smith, regarding Suspect Freddie Davis' condition. Doctor Smith said the suspect suffered five gunshot wounds, which caused extensive internal injuries. Doctor Smith performed surgery on the suspect and removed his spleen and portions of his bowel and stomach. The suspect was bleeding profusely, and Doctor Smith performed medical procedures in an attempt to stabilize the suspect. Due to the suspect's injuries, Doctor Smith did not expect the suspect to survive.

On February 17, 2006, at 0625 hours, Deputy Marella contacted Homicide Bureau Detectives, and related Suspect Freddie Davis had been pronounced dead at 0625 hours by Doctor Smith.

> **IAB NOTE:** The Coroner's Report indicated that Suspect #1 Freddie Davis sustained five gunshot wounds, one to the left back, one to the right lower back and three to the left buttock. Major injuries included the spleen, left kidney, stomach, small intestine, and associated severe hemorrhage. Refer to **Autopsy Report**, pages 96 thru 118, which can be found in the Homicide Bureau Investigation Book.

Suspect # 2 Keyonte Davis was transported to Harbor General Hospital where he was treated for a grazing gunshot wound to the calf area of his leg. After being treated, he was released and given medical clearance for a normal booking.

Physical Evidence

Refer to Homicide Bureau's Investigation, Supplemental Report by Deputy John Vanderschaaf #[redacted]regarding the Crime Scene Investigation, by the Scientific Services Bureau, pages 78-79, for additional information.

Investigators' Observations

The crime scene consisted primarily of the street, sidewalk and the parkway areas at the south west corner of 148th Street and Central Avenue. Homicide investigators pointed to fired cartridge cases located in this area, along with a shotgun and live shotgun shells.

Deputy John Vanderschaaf of the Latent Prints Section of the Crime Laboratory responded and prepared a detailed sketch of the location. Color photographs of the crime scene and evidence, were taken by Identification Specialist Gilbert Trujillo of the Latent Print Section. Refer to the Crime Scene Sketch, which is submitted at the conclusion of the Investigative Summary.

Weapons Used by Deputy Personnel

Sergeant Tatreau was armed with a Beretta 92F, 9 millimeter, semiautomatic pistol, black in color, serial # BER[redacted]Z. It was later determined that Sergeant Tatreau fired five rounds of Department authorized 9mm ammunition from his Department issued 9mm semiautomatic pistol.

Deputy Helbing was armed with an H&K, .45 caliber, semiautomatic pistol, black in color, serial#[redacted] It was later determined that Deputy Helbing fired four rounds of Department authorized .45 caliber ammunition from his Department authorized .45 caliber semiautomatic pistol.

Weapons Used by Suspects

Suspect #1 Freddie Davis- Was armed with a sawed off shotgun, "Winchester" Model 37A, 20 gauge, serial # [redacted] The shotgun had a brown wood stock with black electrical tape wrapped around the stock and grip, single shot break action. An inquiry into the AFS (Automated Firearms System) revealed no record. Refer to **Photographs**, page 6.

> **IAB NOTE:** Deputies Frank Montoya, #[redacted] and Eduardo Mendoza, #[redacted] had responded to the Man With a Gun call at the liquor store. While in position on the northeast corner of Central Avenue and Compton Boulevard, they heard 4 - 7 gunshots in the area of 148th Street and Central Avenue. They then learned a Deputy Involved Shooting had occurred. Deputies Montoya and Mendoza responded to 148th Street and Central Avenue, to assist deputies. They saw Suspect #1 Freddie Davis lying face down in the street, approximately 8 feet north of the south curb line of 148th Street, and 24 feet west of the west curb line of Central Avenue. The suspect's head was pointed northwest, and his feet were pointed southeast. The deputies saw a short barrel (sawed-off), pistol grip shotgun, laying on the street, approximately 10 feet east of the suspect. Refer to their supplemental report for additional information.

Suspect #2 Keyonte Davis - Was armed with a semiautomatic handgun, "Davis Industries," .380 caliber, Model P380, serial # [redacted] with one live .380 round in the chamber and five live .380 caliber rounds in the magazine. An inquiry into the AFS (Automated Firearms System) revealed the weapon was purchased by [redacted] 02-17-1995. Refer to **Photographs**, pages 7 & 8.

Property Damage

One bullet strike to the south wall of the Mission Community Baptist Church located on the north west corner of 148th Street and Central Avenue. Refer to **Photographs,** pages 4 & 5.

Criminal Investigators

Homicide Bureau Detective Donna Cheek #[redacted] and Detective Frank Salerno #[redacted]

Charges Filed

On February 21, 2006, at approximately 1000 hours, Detective Cheek presented the case against Suspect # 2 Keyonte Davis to Deputy District Attorney Marilyn Seymour, assigned to Compton Superior Court, for filing consideration. D.D.A. Seymour filed one count of Carrying a Concealed Firearm, 12025(a)(2) P.C., and one count of Carrying a Loaded Firearm, 12031 (a)(1) P.C., against Suspect Keyonte Davis, under Court Case #6CP01443.

On February 21, 2006, Suspect Keyonte Davis was convicted of Carrying a Concealed Weapon, 12025(a)(1) P.C., at Compton Court, and sentenced to 30 days in County Jail, and 36 months of Summary Probation.

Lighting and Weather Conditions

The shooting took place during the hours of darkness (approximately 2135 hours), with ambient lighting provided by street lights, vehicle headlights and spotlights on the patrol cars. The weather was cool and clear.

Involved Employee Statements

The following summaries were written by Homicide Bureau Investigators Detectives Cheek and Salerno. They represent their summarization of Sergeant Tatreau's and Deputy Helbing's interviews. Following each of their summaries, is the summary of each of the IAB interviews.

"Sergeant James Tatreau #[redacted] On February 17, 2006, at approximately 0204 hours, Detectives Cheek and Salerno interviewed Sergeant James Tatreau, #[redacted] in a private room at Compton Sheriff's Station. The interview was audio recorded, and the following is a summary of the interview.

Sergeant Tatreau was assigned to the Operation Safe Streets Bureau, Enforcement Team, at Compton Station. On the evening of the incident, Sergeant Tatreau was working with Deputy Dave Mertens, #[redacted] and Deputy Probation Officer [redacted] Sergeant Tatreau was driving the patrol car, Deputy Mertens was riding in the front passenger seat, and Probation Officer [redacted] was riding in the back seat.

They had just finished booking a suspect at Century Regional Detention Facility and were returning to the Compton area. Sergeant Tatreau heard a call dispatched regarding a male, armed with a shotgun, who had entered a liquor store at Compton Boulevard and Central Avenue. The suspect's clothing description given was a blue plaid flannel shirt and blue shorts or pants.

Sergeant Tatreau was approaching the location, driving south on Central Avenue, and was approximately 1/4 mile north of the location. Sergeant Tatreau noticed two males walking north on the west sidewalk. He also noticed a patrol car, which appeared to have just pulled away from the males, but was making a U-turn, as if to return to the males.

Sergeant Tatreau started to angle his car toward the males (suspects), but due to the speed he was driving, stopped his patrol car closer to the males than he would have liked. As soon as the car stopped, the males were approximately 10 feet south of the patrol car. The males immediately ran north on Central Avenue, past the patrol car. Sergeant Tatreau exited the patrol car and ran after the suspects. Deputy Mertens exited the patrol car and also ran after the suspects. Deputy Mertens was west and slightly behind Sergeant Tatreau. Probation Officer [redacted] also exited the car, but Sergeant Tatreau did not see him.

Sergeant Tatreau believed he yelled commands at the suspect, to stop.

Sergeant Tatreau saw a light-colored, small - medium sized car, stopped at the light, eastbound on 148th Street at Central Avenue.

Sergeant Tatreau saw one of the suspects (Freddie Davis) remove a sawed-off shotgun from the front of his person, possibly from within his pants.

The suspect was holding the shotgun in his right hand, and he pulled it up and across the front of his body, and back toward the sergeant, as he looked over his shoulder and made eye contact with Sergeant Tatreau. It appeared to Sergeant Tatreau, the suspect was "sizing him up," and the suspect was going to aim the shotgun in Sergeant Tatreau's direction.

Sergeant Tatreau was now within approximately 15 feet of the suspect, and the suspect turned toward the sergeant. Sergeant Tatreau, fearing for his safety, fired at the suspect. He knew the first 2 - 3 rounds he fired were low, but the suspect did not go down, and the rounds seemed to have no effect. Sergeant Tatreau was afraid the suspect was going to "get a round off' before he went down, and Sergeant Tatreau continued to fire, and adjusted his aim. He fired a total of 4 - 6 rounds. The suspect fell to the ground and dropped the shotgun, near the car which was stopped at the light. Sergeant Tatreau held the suspect at gunpoint, while Deputy Mertens and Probation Officer [redacted] handcuffed him.

The second suspect (Keyonte Davis) continued to run, west on 148th Street. Sergeant Tatreau saw a patrol car follow that suspect and detain him.

Sergeant Tatreau broadcasted emergency radio traffic and advised dispatch and other units of the shooting which had occurred."

IAB Interview of Lieutenant James Tatreau

At approximately 1440 hours, on 02-01-07, Lieutenant James Tatreau (who was a sergeant at the time of the incident) was interviewed at Lakewood Sheriff's Station regarding the shooting which took place February 16, 2006. Lieutenant Tatreau was offered representation, to which he declined, and was interviewed by IAB Sergeants Harris and Garcia. The following constitutes a summary of the interview. Exact verbiage may be obtained by reviewing the recorded audio of the interview which is stored at IAB for safe keeping.

Lieutenant Tatreau said he was assigned to Operation Safe Streets Bureau, Gang Enforcement Team (GET), out of Compton Station. He said GET's mission was gang suppression and intelligence gathering. The gang suppression was accomplished by arresting gang members, gathering intelligence and taking guns off the street. Lieutenant Tatreau said in January of 2007, Compton GET deputies had seized approximately 40-50 handguns from the streets, which was consistent with handgun seizures from other months.

Lieutenant Tatreau said GET deputies receive additional training in entry, warrant service and firearms, and routinely discuss tactics. He said GET units are not dispatched to calls for service by the station, but rather base their activity on observations, as opposed to calls or details. He said on the night of the shooting, Deputy Probation Officer [redacted] was riding in the back seat of his radio car and Deputy Mertens was the bookman.

Lieutenant Tatreau's accounting of the incident was consistent with his interview by Homicide detectives on the night that the shooting occurred. He was able to add additional information in several areas.

Lieutenant Tatreau said Compton patrol units were coordinating the call and radio traffic was very busy. A Sheriff's helicopter was overhead and was broadcasting additional information in regards to the call. The Sheriff's helicopter observer advised responding units that the suspects were both standing outside of the liquor store. The helicopter observer then broadcast that the two people standing outside of the liquor store were not the suspects, as the two people outside were both female.

Lieutenant Tatreau said he believed the suspects were still inside of the liquor store and he was driving fast, (approximately 50-60 mile per hours) to get to the liquor store.

He said his attention was drawn to two males (suspects) walking on the side walk by another radio car, that had passed them and then almost immediately made a U-turn. He said he believed the radio car which had been traveling south and made a U-turn, was going to contact the suspects.

Lieutenant Tatreau said he angled his car to the curb and was going to conduct a felony pedestrian stop on the suspects, using his car as cover. He said before he could place his vehicle into park, the suspects ran north on Central Avenue, toward 148th Street. Lieutenant Tatreau said he exited his radio car and moved along the driver's side, toward the rear of his vehicle. He said he yelled for the suspects to stop. He said he didn't see any weapons at this time and began to run after the suspects.

Lieutenant Tatreau said since the suspects ran north on Central Avenue, he felt he and his partners would have been at a tactical disadvantage by backing his car up, or by making a U-turn to follow them in the radio car. He believed he could safely follow behind, watching his angle of approach, which would force the suspects to turn and face him, if they elected to shoot. He said he was going to follow them until 148th Street to see if they turned west, and then set up a containment. He said the west side of Central Avenue was bordered by high hedges, which prevented the suspects from running west. Lieutenant Tatreau said there was no cover until you reached 148th Street.

He said he didn't personally broadcast the foot pursuit, as that would have been the second deputies' job, much like in a vehicle pursuit. He was not sure whether his partner, Deputy Mertens broadcast that they were in foot pursuit, as the events occurred very rapidly. Lieutenant Tatreau said he believes they had chased the suspects less than 25 feet, when the shooting occurred. He also believes that approximately 3-4 seconds into the foot pursuit, the suspect elected to pull out the shotgun, forcing him to fire.

Lieutenant Tatreau cited a number of factors in pursuing the suspects; they were a three-man car, he knew there was an additional two man unit with them, the helicopter was seconds away and additional radio cars at the liquor store were also seconds away. He said he was aware of the danger if the suspect was in fact armed with a shotgun and knew that Deputy Mertens was also giving chase.

Lieutenant Tatreau said he was approximately 10' behind the suspect when he (Tatreau) fired and could see the radio car out of the corner of his eye, traveling north on Central Avenue, parallel with him. He said cross fire was not an issue and he was aware of his back drop when he fired. He said he did not actually see Deputy Helbing fire his weapon.

"Deputy Russell Helbing, #[redacted]On February 17, 2006, at approximately 0136 hours, Homicide Bureau Detectives Cheek and Salerno interviewed Deputy Russell "Scott" Helbing, #[redacted] in a private room at Compton Sheriffs Station. The interview was audio recorded, and the following is a summary of the interview.

Deputy Helbing was assigned to the Operation Safe Streets Bureau, Gang Enforcement Team, at Compton Station. On the evening of the incident, Deputy Helbing began his shift at 1500 hours, and was working with a partner, Deputy Edmundo Torres, #[redacted] Deputy Helbing was driving the patrol car.

Deputy Helbing and his partner heard a "Man with a Gun" call being dispatched to Compton Station patrol units, at the liquor store at Central Avenue and Compton Boulevard.

A caller said two male Blacks were standing in front of the liquor store, and one of the males was armed with a shotgun. The deputies responded from the area of Atlantic Boulevard and Rosecrans Avenue. As Deputy Helbing turned on Central Avenue, he heard the Sheriffs Aero unit update the suspect's clothing description as a blue flannel, or blue plaid flannel shirt. As Deputy Helbing drove south on Central Avenue at 148th Street, Deputy Torres alerted him to two male Blacks who were walking north on the west sidewalk. Deputy Torres said, "That's probably them," and Deputy Helbing noticed one of the males was wearing clothing which matched the description in the call.

Deputy Helbing made a U-turn and drove north on Central Avenue to contact the males. At the same time, Unit 280GS, Sergeant Tatreau, Deputy Mertens and Probation Officer [redacted] were driving south on Central Avenue. Both units converged on the intersection of 148th Street and Central Avenue. Deputy Helbing shined his spotlight at the two males who were walking on the sidewalk. Deputy Helbing's patrol car was in the area of the center median, approximately 10 yards south of the suspects. At the same time, Sergeant Tatreau stopped his radio car at the curb, angled southwest, toward the males.

Deputy Helbing saw one of the males (Suspect Freddie Davis) with his hand at his waistband. The suspect made a long, pulling motion from his right waistband, toward his shoulder, and he pulled out a shotgun, which was concealed in the suspect's clothing, possibly inside his pants. Both males then started to run north on the west sidewalk of Central Avenue.

Sergeant Tatreau and Deputy Mertens exited their patrol car and began to run after the suspects. Deputy Helbing drove north on Central Avenue and paralleled the suspects, positioning himself slightly behind them.

Deputy Helbing believed the suspects were going to turn west on 148th Street. He saw a dark-colored vehicle stopped at the light, and he began to accelerate his vehicle, so he could go around the vehicle, and drive west on 148th Street, and continue to parallel the suspects. Before the suspects turned west on 148th Street, the suspect carrying the shotgun, started to motion with the shotgun, and pointed it in Deputy Helbing's direction.

Deputy Helbing was steering the vehicle with his right hand, and he was holding his duty weapon in his left hand.

Deputy Helbing was not sure if the suspect was aware of his presence, and he was turning to fire at him and his partner, or if the suspect was intending to fire upon the deputies and probation officer who were chasing him. Deputy Helbing feared he or the other deputies were about to be fired upon. Deputy Helbing, who was left-handed, extended his left arm out the open driver's window and fired at the suspect. Deputy Helbing heard gunshots coming from his left (south), and slightly behind, but did not know if the sergeant, deputy, or the probation officer fired.

Deputy Helbing said his patrol vehicle was moving at a slow speed at the time he fired, and he believed he fired 4 - 5 times. The radio car was even with the south curb line, and the suspect was on the sidewalk, near the edge of the south curb line, when Deputy Helbing fired. Deputy Helbing estimated he was 25-30 feet from the suspect, at the time he fired. The suspect ran closer to the vehicle, which was stopped at the light.

Deputy Mertens began to run into Deputy Helbing's field of fire, and Deputy Helbing stopped firing. The suspect dropped the shotgun in the street and fell to the ground. Deputy Helbing did not hear the suspect make any statements.

Sergeant Tatreau, Deputy Mertens and Probation Officer [redacted] converged on the suspect, who had fallen to the ground.

The second suspect (Keyonte Davis) continued to run west on 148th Street. Deputy Helbing accelerated around the stopped vehicle, and continued to drive after the second suspect. The suspect took off his jacket and dropped it in the street. The suspect ran approximately 10 feet, and Deputy Helbing ordered him to stop and lay on the ground. The suspect stopped and laid on the ground. Deputy Torres exited the patrol car and ran to assist with the first suspect. Deputy Helbing held the suspect at gunpoint, until assisting deputies arrived. Deputy Drysol arrived and handcuffed the suspect. The suspect said he had been shot, and needed help, but did not make any other statements.

Deputy Helbing searched the jacket, which the suspect had discarded. He found a small handgun, with a magazine inserted in the gun, in one of the jacket pockets. Deputy Helbing laid the jacket and the handgun on the ground, and it was secured by other deputies.

Deputy Helbing then assisted with securing the crime scene and evidence. The dark-colored vehicle, which had been stopped at the light, left the scene at an unknown time during the incident. Deputy Helbing was then transported to Compton Sheriffs Station, pending an interview with Detectives."

IAB Interview of Deputy Russell Helbing

At approximately 1527 hours, on 02-08-07, Deputy Russell Helbing was interviewed at the Internal Affairs Bureau regarding the shooting which took place in February, 2006. Deputy Helbing was interviewed by Sergeant Harris and Sergeant Leonard McCray. The following constitutes a summary of the interview. Exact verbiage may be obtained by reviewing the recorded audio of the interview which is stored at IAB for safe keeping.

Deputy Helbing's accounting of the incident was consistent with the information he provided to Homicide detectives on the night of the shooting. He was able to add additional information in several areas.

Deputy Helbing said he and his partner, Deputy Torres were traveling south in a marked black and white radio car, on Central Avenue, from Rosecrans Boulevard. They saw the suspects standing on the west sidewalk of Central Avenue, south of 148th Street. Deputy Helbing said he was unable to stop their vehicle in time to contact them, so he made a U-turn on Central Avenue. As he completed his U-turn, he saw a radio car driving south on Central Avenue and he turned his spotlight on the suspects to alert the deputies in the other radio car of the suspects presence. Deputy Helbing said the other radio car ((Sergeant Tatreau's car) nosed into the curb and as the deputies got out of the car, the suspects fled on foot, running north on Central Avenue.

Deputy Helbing said he drove parallel to the suspects and slightly behind them. He said when he saw Suspect Freddie Davis remove the shotgun from under his coat, he pulled up almost even with him, stuck his handgun out the driver window with his left hand and began to track him with his weapon. He said that prior to removing the shotgun, Suspect Freddie Davis looked to his rear, in the direction of the deputies that were following him and then over in their (Helbing's and Torres') direction.

Deputy Helbing said he wanted to get in front of the suspects, because he believed they were going to run west on 148th Street and between the houses to make good their escape. He said this was a common escape route for the local gangsters. He said Suspect Keyonte Davis was in front of Suspect Freddie Davis and both were running in the same direction. Deputy Helbing said his idea was to follow and contain, as opposed to closing the distance and apprehending.

Deputy Helbing said as the suspects got closer to 148th Street, Suspect Keyonte Davis turned west on 148th Street, with Suspect Freddie Davis following behind him as he continued to run north on Central Avenue. He said Suspect Freddie Davis turned toward him, raised the shotgun and pointed it at him. Deputy Helbing said he fired at Suspect Davis to avoid being shot by the suspect.

Deputy Helbing said he saw the shotgun fall from Suspect Davis' right hand and Davis fall to the street. He said Suspect Keyonte Davis continued running west on 148th Street. He said he accelerated rapidly and detained Suspect Keyonte Davis on 148th Street as he stopped to discard the jacket he was wearing.

Deputy Helbing said as he drove parallel and slightly behind the suspects, he was driving at approximately 2-3 miles an hour, just above an idle speed. He said he was approximately 20' from Suspect Freddie Davis when he fired and had a clear back drop. He said that he didn't have time to give any commands to the suspects that it all happened so quickly. Deputy Helbing said the radio traffic was very busy and he was aware that the aero unit was over the liquor store and that deputies had set up a containment on the liquor store. He said that normally they would have requested additional units and the helicopter, but in this case, the foot pursuit and shooting were over in probably less than ten seconds.

Deputy Helbing said that after Suspect Keyonte Davis was taken into custody, someone moved his radio car and placed it at the intersection of 148th Street and Central Avenue, to block traffic. He said he tried to locate the deputy that did it, but was unsuccessful in determining whom it was.

Witness Statements

The following summaries were written by Homicide Bureau Investigators Detectives Chilstrom and Miley. Their summaries have been copied and added to the Administrative Investigative Summary.

"On 02-17-06, at 0143 hours, Investigators interviewed **Deputy Probation Officer** [redacted] He said that he was riding with Sergeant Tatreau and Deputy Mertens. He is a Deputy Probation Officer, assigned to the Compton Gang Enforcement Team. He was riding in the rear passenger seat of the marked black and white sheriffs' vehicle. His duties were to deal with subjects who were on probation when contacted by deputy sheriff personnel."

> **IAB NOTE**: During his tour of duty with OSS deputies, Deputy Probation Officer rides as third man in the back seat of the radio car, which has had the cage removed. DPO [redacted] wears web gear similar to what the deputies wear and is armed with a 9mm Berretta.

"While riding as passenger in Sergeant Tatreau and Deputy Mertens' radio car, he heard a radio call broadcast of a man with a gun at a liquor store on Central Avenue. Sergeant Tatreau and Deputy Mertens had just finished booking a prisoner at the Century Regional Detention Facility jail. He said while they responded in the direction of Central Avenue, a description of a male wearing a gray flannel shirt was broadcast. They were traveling southbound Central Avenue and at 148th Street. He saw a man wearing a grey flannel shirt, matching the description, walking north on the west sidewalk of Central Avenue accompanied by another male.

They stopped just past where the two males were walking. The two males began running northbound. Sergeant Tatreau and Deputy Mertens ran after the Suspects.

The Witness was sitting in the back seat and the windows were closed. He could not get out of the vehicle. He was able to jump over the front seat, exit the vehicle, and run behind the deputies. When they got to the intersection of 148th Street and Central Avenue, the man with the gray flannel shirt began to pull out a long gun from under his coat with his right hand. When they turned the corner, the Witness was able to see the guy with the gray flannel shirt pull the shotgun all the way out of his jacket from a distance of about thirty feet. Sergeant Tatreau fired at the Suspect. A deputy who was driving another radio car also fired at the Suspect. Suspect #2 ran around the corner, westbound, out of his view. The Witness said that he was not able to say how many rounds Sergeant Tatreau fired at the Suspect because the other deputy was firing at the same time.

Witness D.P.O. [redacted] assisted Deputy Mertens in taking the weapon away from the man in the flannel shirt, Suspect #1. He then assisted Deputy Mertens in handcuffing the Suspect. Suspect #1 resisted handcuffing by flailing his arms around.

They were eventually able to handcuff the Suspect. He noted that the other deputy who fired his weapon drove westbound on 148th Street and detained the second Suspect in the middle of the street, about fifty feet from him.

Witness D.P.O. [redacted] said that paramedics responded to the scene and tended to Suspect #1. He could see that the other Suspect had a grazing wound on the calf area of his leg. Suspect #2 was returned to the intersection, treated by paramedics then placed in custody. Witness [redacted] signed a crime scene log and then responded to Compton Sheriff's Station so that he could be interviewed. Investigators terminated the interview at 0155 hours."

"On 02-17-06, at 0205 hours, Investigators interviewed **Deputy Edmundo Torres.** He said that he was assigned to work the Gang Enforcement Team, patrolling the Compton area. He was patrolling the area of Rosecrans Avenue and Atlantic Boulevard in the City of Compton in a marked black and white Sheriff's vehicle. Deputy Scott Helbing was driving and he was the passenger. He monitored a radio broadcast of a "Man with a Gun" call. They were advised that two males were holding a shotgun in the area of Compton and Central at a liquor store. They responded toward that area.

Deputy Torres said they were traveling southbound Central Avenue and at the intersection of 148th Street. They saw two males walking northbound Central Avenue on the west sidewalk. They saw that one of the males wore a black and gray flannel jacket and another male wearing a black jacket. Deputy Helbing slowed down and Deputy Torres noticed that one of the males matched the description of the man wearing a gray flannel jacket which was broadcast in the call. He advised his partner, Scott Helbing, of the male with the gray flannel jacket walking northbound on the sidewalk. They drove past the two males and made a U-turn, traveling northbound Central Avenue.

Deputy Torres said that the two males began to walk fast northbound on the sidewalk. They were driving northbound Central Avenue in the southbound lanes and illuminated the two Suspects with the spotlight from the marked patrol car. Another Sheriff's radio car stopped, so they had to drive around the radio car. They were parallel to the two males who were now running. He saw the male with the gray flannel jacket pulling out a shotgun from under his jacket and he saw the barrel pointed in his direction at a distance of about five to fifteen feet. He said that his partner, Scott Helbing, fired four to five shots at the Suspect before turning the corner west on 148th Street. He said that he had his gun pointed toward Suspect #1, but he was concerned that he might hit his partner, so he did not fire his weapon. He saw Suspect #1 fall to the ground and drop the shotgun.

Deputy Torres said that his partner continued westbound 148th Street to detain the second Suspect. The Suspect took off his jacket and dropped it on the ground as he was running. They caught up to the second Suspect and the Suspect stopped running. He and Deputy Helbing, ordered the Suspect to get on the ground and the Suspect complied. Deputy Helbing handcuffed the Suspect while he held the Suspect at gun point. He ran back to the intersection where Sergeant Tatreau and Deputy Mertens were completing the handcuffing of Suspect #1.

Deputy Torres said that after the scene was contained, he saw a .380 caliber handgun laying on the jacket that Suspect #2 was wearing. He did not see who took the pistol out of Suspect #2's jacket. He did not hear either Suspects make any statements.

Investigators noted Deputy Torres was wearing distinctly marked green Sheriff's Department vest with Sheriff's Department patches on his shoulders and a cloth badge on the front of his vest."

"On 02-17-06, at 0230 hours, Investigators interviewed **Deputy David Mertens.** He said that he just finished booking a Suspect at the Century Regional Detention Center when he heard a radio broadcast of a "Man with a Gun" call in the area of Compton Boulevard and Central Avenue. The call advised that a male black was armed with a shotgun, wearing a blue plaid shirt and blue shorts. He repeated the information to everyone inside the marked patrol unit he was riding. Sergeant Tatreau was the driver and Probation Officer [redacted] was sitting in the back seat.

Deputy Mertens said that he was southbound Central Avenue and Deputy Helbing was driving toward him in another marked patrol car. Deputy Mertens saw two male blacks walking northbound on the west sidewalk of Central Avenue. He advised the persons in his vehicle that one of the males walking appeared to be the person described in the call.

Deputy Mertens called out to the male blacks and ordered them to stop, but they began running as Deputy Helbing in the other radio car illuminated them with the spotlight. He said that he got out of his vehicle and ran after them on foot. They reached the corner of 148th Street and one of the men, Suspect #1, pulled two objects out of his right pocket and dropped them on the ground. He said that Sergeant Tatreau was on his right side when they chased the suspects on foot. The Suspects stepped off the curb and multiple shots were fired by Sergeant Tatreau and another deputy. Suspect #1, fell to the ground dropping a sawed-off shotgun. He and Probation Officer [redacted] then handcuffed the Suspect.

Deputy Mertens saw Deputy Helbing drive his marked patrol car around the corner to stop the other male, Suspect #2. Deputy Mertens went over to where Suspect #1 dropped the objects and saw that they were shotgun rounds. He placed cards over them to preserve them.

Investigators asked Deputy Mertens if he heard any commands given to the suspects at the time of the shooting. He said that he did not recall any commands at that time.
Investigators asked Deputy Mertens if he knew the numbers of shots fired and he estimated approximately ten or twelve. He was not able to determine specifically which deputies shot their firearms other than Sergeant Tatreau."

Suspect Statements

The following summaries were authored by Homicide Investigators after they interviewed Suspect Keyonte Davis. Their summaries have been copied and added to the Administrative Investigative Summary.

"On February 17, 2006, at approximately 0910 hours, Detectives spoke to **Suspect Keyonte Davis** in a private area at Century Regional Detection Facility.

The interview was audio recorded, and the following is a summary of the interview. The suspect was advised of his constitutional rights per SHAD-477, and the suspect said he understood his rights and was willing to talk to Detectives.

The suspect said he was at home at his residence on [redacted] Also at the house was Keyonte's [redacted] FB/25, his [redacted] FB/23, and his [redacted] Suspect Freddie Davis. [redacted] wanted to go to the store to get some beer, and the four of them walked to the store. Keyonte bought three beers, paid for them, and then left the store.

While in the store, Freddie was in the alcohol section, like he was going to buy something, but Keyonte didn't think Freddie bought anything. Keyonte was not aware of Freddy, or the girls, having any conversation with anyone in the store. Keyonte thought they were in the store for approximately 3 minutes, and the group left the store after Keyonte paid for the beer. After leaving the store, they saw [redacted] at Church's Chicken (located across the street from the liquor store). The girls stopped to talk to [redacted] and Keyonte stopped fora brief time, but then he continued to walk home.

> **Note:** At this time, the digital recorder stopped functioning, and the remainder of the interview was not captured on tape.

Freddie also walked with Keyonte, north on Central Avenue, toward their house. Keyonte saw police cars and started to run. Keyonte was scared because he was carrying a weapon on him. Freddie also ran. Keyonte then heard shooting. Keyonte took off his jacket and dropped it on the street. He then felt himself get shot in the leg. He stopped and laid on the ground, where he was detained by deputies.

Keyonte said a friend gave him the gun a couple of months ago, and he carried it for protection.

Keyonte said he did not see his [redacted] Freddie, with a gun at home or in the store, and said he did not know his [redacted] was armed.

Keyonte said he has been to the liquor store a couple of times previously. He said Freddie walked to the liquor store almost every day.

The interview concluded at approximately 0930 hours."

Miscellaneous Statements

The following information pertains to the actions of Freddie Davis, Keyonte Davis and the two females while inside of the "F&C" Liquor Store, at 2000 W. Compton Boulevard, in Compton. The suspects made their purchase and leave the store. The suspects are confronted by deputies at approximately 148th Street and Central Avenue.

"Deputy Jose Racho, #[redacted] was working the dispatch center at Compton Sheriff's Station, and he received a 9-1-1 transfer from the California Highway Patrol. Deputy Racho spoke with the informant, "[redacted]" [redacted] said he was inside the liquor store at Central Avenue and Compton Boulevard, when he saw a male Black (Suspect Freddie Davis) holding a taped rifle or shotgun under his clothing, a gray flannel shirt and blue shorts. Another male Black (Suspect Keyonte Davis), was standing next to the armed suspect. [redacted] could not describe the second male. [redacted] said he left the liquor store because he was scared, and called 9-1-1 after leaving the store."

The liquor store had a video surveillance system installed and which recorded the events on a videotape. The tape depicts the Suspects entering the store with the two women.

EV#1: Videotape
Homicide Bureau Detectives viewed the videotape which was retrieved from the liquor store. (The videotape was listed as Evidence Item #1 in Sergeant Miley and Sergeant Chilstrom's supplemental report). The following is their summary of the images on the videotape.

" The surveillance videotape contained several different camera views of the interior of the liquor store, including: a view from above the door, which looked toward the counter; a view from behind the counter, which looked toward the refrigerated shelves; a view from the refrigerated shelves, which looked toward the cash register; and a close-up of the refrigerated shelves. The surveillance video was not time stamped. The images on the videotape were in color, and of good quality and clarity.

The videotape showed a male Black adult (Witness [redacted] A male Black, wearing a blue plaid flannel jacket (Suspect Freddie Davis) walked into the store, followed by a male Black, wearing a black jacket (Suspect Keyonte Davis). Freddie's right hand was in his jacket pocket. Freddie walked to the refrigerated shelves and removed a bottle with his left hand. A male Hispanic walked into the store and walked to the refrigerated shelves.

Two female Blacks wearing black jackets [redacted], walked into the store.

The male Hispanic bent down and removed two six-packs of beer from the shelves. Freddie and Keyonte stood right next to the male Hispanic, although there was sufficient room in the aisle. It appeared the suspects were attempting to conceal their actions. Freddie stood with his back to the counter and placed a bottle in the front waistband area of his pants. Keyonte glanced backwards, toward the counter.

The male Hispanic appeared to be watching the suspects. One of the females stood with the suspects, and the other female stood at the counter.

The male Hispanic walked to the counter and placed the two six-packs of beer on the counter. The male Hispanic then walked out of the store. The clerk, standing behind the counter, appeared to be watching the suspects. Keyonte removed cans of beer from the refrigerated shelves. Freddie removed the bottle from his pants and placed it back on the shelf.

His right hand remained in his jacket pocket. Keyonte carried two beers to the counter, holding them in his left hand. Keyonte's right hand was inside his jacket pocket.

A male Hispanic (Witness [redacted], wearing a dark blue jacket with gray sleeves, walked up behind Freddie and stood in the aisle. Freddie then walked to the counter. Freddie's jacket had a noticeable bulge on the right side. [redacted] then removed a bottle from the shelf and returned it to another shelf. This bottle appeared to be the same one which Freddie had previously concealed in his pants. [redacted] appeared to be watching the suspects, as they stood at the counter. [redacted] then walked behind the counter and stood next to Witness [redacted]

Another male Hispanic (Witness [redacted]), carrying a red crate, walked near the refrigerated shelves, toward the counter.

Witness [redacted] had retrieved a handgun from behind the counter and held it in his right hand, while he stood next to Witness [redacted]

The suspects and the two females continued to stand at, and near, the counter.

A female Black, wearing a gray coat, walked into the store and walked to the refrigerated shelves.

Freddie stood at the counter and appeared to talk to Witness [redacted] Freddie opened the right side of his jacket and glanced down, toward the right side of his body.

Freddie and Keyonte left the store and were followed a short time later by the two females. The videotape then concluded."

The following summaries were written by Homicide Investigators Chilstrom and Miley. Their summaries have been copied and added to this Administrative Investigative Summary. Investigators spoke to the [redacted] and the two [redacted]

"On 02-17-06, at 0030 hours, Investigators interviewed [redacted] Witness [redacted] He stated that he was [redacted] when he saw a male black walk over to the refrigerator and take a bottle off the shelf from the refrigerator, referred to as Suspect #1. He watched the Suspect take the bottle from the shelf and put it in his waist band and the Suspect looked back at him. Witness [redacted] saw the bottom of a shotgun barrel protruding from Suspect#1 's coat. He walked [redacted] and watched the suspect.

He picked up a pistol from [redacted] because he thought the Suspect was going to rob the store. He positioned himself behind the [redacted] Suspect #1 returned the bottle to the refrigerator. The [redacted] Witness [redacted] also retrieved his gun and positioned himself on the other side of the store.

Witness [redacted] heard Suspect #1 tell his [redacted] Witness [redacted] that he did not take anything and opened his coat to show the witnesses that he did not have anything. When Suspect #1 opened his coat, Witness [redacted] saw the shotgun under the suspect's coat. Another male black was standing at the counter with two female blacks.

The other male black is referred to as Suspect #2. Suspect #2 then paid for two beers and the two Suspects walked out of the store with the two females.

A short while later, Witness [redacted] saw a Sheriff unit drive by the store, going northbound Central Avenue, and he heard shots being fired. Witness [redacted] did not know who called the police. He thought that a male Hispanic customer, who made a purchase earlier, possibly called the police. Investigators terminated the interview at 0040 hours."

"On 02-17-06, at 0042 hours, Investigators interviewed the other [redacted] **Witness** [redacted] He said that he was standing at the front counter helping a customer and noticed a male black, Suspect #1, trying to stick a bottle down his pants. Witness [redacted] looked at the Suspect and the Suspect noticed the Witness looking at him.

Suspect #1 walked to another refrigerator door and placed the bottle back on the shelf. Suspect #2 walked up to the counter and stopped Suspect #1 from going up to the counter because Suspect #1 did not have any money to buy anything. Witness [redacted] kept looking at Suspect #1 because he saw an object under his coat.

Suspect #1 told Witness [redacted] "Why are you looking at me, I'm not going to take anything from you, O.G." Suspect #1 opened his coat to show the Witness that he did not have any merchandise and the Witness saw the shotgun inside the Suspect's coat under his right shoulder.

Witness [redacted] described Suspect #1 as being five feet, eight inches tall and stocky. He said that Suspect #1 looked to be in his late 20's or early 30's and he was a light skinned black man. He looked very intoxicated. The Witness also described Suspect #1 as wearing a jacket with a hood and dark baggy pants.

The Witness described Suspect #2 as a black man about the same age as Suspect #1 and a little taller. He said that Suspect #2 had his hair braided and was wearing a brown coat.

The Witness said that there were two women that accompanied the Suspects inside the store. The two women stood behind Suspect #2 while he made a purchase at the counter. He remembered the two women coming inside the store earlier in the evening, at approximately 7:30 P.M. or 8:00 P.M. They bought a can of beer at that time.

He described one of the women as light complected and heavy build. She looked like she was in her early 20's. Her hair was black with red tint, and was unkept. She was wearing a small tight skirt. The other woman was skinny and appeared to be very young. Her hair was braided. Her skin was darker in color. She looked like she was five feet tall and weighed 120 pounds. She was wearing a dark skirt and dark plaid shirt. Everyone left the store at the same time.

The Witness said within a few minutes he saw a police car drive up the street northbound and heard gun shots. He figured that the male Hispanic, who made a purchase earlier, called the police. Investigators terminated the interview at 0046 hours."

"On 02-17-06, at 0047 hours, Investigators interviewed the [redacted] **Witness** [redacted] He said that he did not see much. He was stocking the shelves when the two Suspects came into the store. He saw his [redacted] Witness [redacted] armed with his gun and thought they were going to get robbed. He went to the other side of the store and armed himself with a pistol. He did not see Suspect #1 holding a shotgun. He said that he was only able to observe Suspect #1 and he looked intoxicated. When the purchase was completed the Suspects and the two girls left the store. Witness [redacted] went back into the store room to continue his [redacted] He said that a short time later he heard a police helicopter flying above his store, but nothing else. He did not call the police nor did he hear any gunshots."



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
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October 12, 2006

Captain Raymond Peavy
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File No: 06-0109
L.A.S.D. File No: 006-02848-2830-013

Dear Captain Peavy,

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the February 16, 2006, fatal shooting of Freddie Davis, Jr. by Los Angeles County Sheriff's Sergeant James Tatreau and Deputy Russell Helbing. We have concluded that the deputies acted lawfully in self-defense and defense of others.

The following analysis is based on reports, recordings and photographs submitted to this office on July 10 and July 11, 2006, by Detectives Frank Salerno and Donna Cheek of the Los Angeles County Sheriff's Department, Homicide Division. The District Attorney's Command Center was notified of this incident at 11:25 p.m. on February 16, 2006. The District Attorney Response Team, comprised of District Attorney Senior Investigator [redacted] and Deputy District Attorney Tal Kahana were notified by the Command Center and responded immediately to the scene. They were given a briefing and a "walk-through" of the scene by investigators from the Los Angeles County Sheriff's Department (LASD). No compelled statements of any deputies were reviewed or considered as part of our analysis.

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FACTUAL ANALYSIS

Shortly after 9:30 p.m., brothers Freddie and Keyonte Davis walked into the F & C Liquor store at 2000 West Compton Blvd with two female relatives. Freddie placed at least one bottle of liquor in the waistband of his pants and displayed a shotgun concealed underneath his shirt-jacket. [redacted] observed Freddie and Keyonte looking around as if they were assessing the store security. After making eye contact with some of the employees, Freddie removed the bottle from his pants, replaced it on the shelf and purchased three cans of beer. As Freddie made his purchase, he again displayed the shotgun to the cashier.[1] The four left the store, but not before a customer identified only as '[redacted]' called 911 reporting a possible robbery.

Sheriff's deputies Daniel Martinez and Joseph Iberri were the first to respond to the call from F & C Liquor. Meanwhile, two additional Sheriff's patrol units were responding southbound on Central Avenue to assist. Deputies Russell Helbing and Edmundo Torres were in the lead unit, while Sergeant James Tatreau, Deputy David Mertens and Deputy Probation Officer (DPO) [redacted] were in the second unit. Each deputy was in uniform and in a marked black and white Sheriff's patrol vehicle. As the two assisting units drove past 148th Street, the deputies saw Freddie and Keyonte Davis walking northbound on the west sidewalk of Central Avenue, two blocks from the store. The two brothers matched the description of the suspects in the call from the liquor store.

Deputy Helbing, driver of the lead vehicle, made a U-turn, while Sergeant Tatreau, driver of the second vehicle, stopped in the parking lane of Central Avenue, just south of 148th Street, adjacent to the Davis [redacted] When Deputy Helbing illuminated the [redacted] with his spotlight, Freddie Davis pulled his shotgun from his front right waistband. Both [redacted] ran northbound on Central Avenue. Sergeant Tatreau and Deputy Mertens pursued them westbound on 148th Street as Deputy Helbing followed in the police vehicle.

As he was running, Freddie Davis dropped two shotgun cartridges from his pocket. He then stepped off the curb, turned, and pointed his shotgun at Sergeant Tatreau while making eye contact with him. Sergeant Tatreau, then within approximately fifteen feet of Freddie Davis and in fear for his life, immediately fired his service weapon.[2] When Freddie Davis turned and pointed his shotgun at Sergeant Tatreau, Deputies Helbing and Torres and DPO [redacted] were still in their patrol vehicles and also in the line of fire from Freddie Davis. All three men saw Freddie Davis turn and point the shotgun in their direction.[3] Fearing for his life, Deputy Helbing also fired his service weapon.[4]

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[1] As Freddie Davis displayed his shotgun underneath his shirt at the counter, he also stated, "Don't worry O.G., I'm not going to take from you."

[2] Sergeant Tatreau fired five rounds from his Beretta, 9mm semi-automatic service weapon.

[3] Deputy Torres told investigators that although he, too, saw Freddie Davis turn and point the shotgun at them from a distance of only five to fifteen feet, he was concerned that he would hit his partner if he fired any rounds, so he held his fire.

Freddie Davis immediately dropped his shotgun and fell to the ground. Despite receiving a grazing gunshot wound to the calf area of his left leg, Keyonte Davis discarded his jacket and continued running west on 148th Street, where Deputies Helbing and Torres took him into custody without further incident. Paramedics transported both Davis brothers to Harbor-UCLA Medical Center. Freddie Davis expired the next day and was pronounced dead by Dr. B. Smith on February 17, 2006.

Freddie Davis's shotgun was recovered approximately ten feet away from where he fell. The two shotgun shells were recovered where he was observed dropping them. A black .380 Davis Industries, semi-automatic handgun was recovered from Keyonte Davis's front pants pocket, and a pistol magazine with .380 caliber rounds was recovered from his jacket.[5]

The [redacted] of F & C Liquor, [redacted] and his [redacted] and [redacted] were transported to the scene and positively identified both Freddie and Keyonte Davis as the men that they had seen inside their store with the shotgun.

While holding a containment position at Brazil Street and Central Avenue, Deputy Clyde Terry noticed two females, "screaming and yelling that their relatives had been shot."[6] One of the women was stating that she was going to call the "homies" and have them, "come over and shoot up" the neighborhood for shooting her relatives who, she claimed, were Crips.[7] As Deputy Terry was explaining to some uninvolved citizens that two firearms had been recovered, the woman who had been the most vocal spontaneously interjected, "What the fuck you think? They (sic) supposed to have guns. They (sic) Crips in a Blood neighborhood. I was just with them, they had the guns for they (sic) safety." Deputy Terry inquired of her whether she thought it was acceptable for people other than police officers to be armed with firearms on the street. She replied, "You goddamn right. Muthafuckas running around here with guns, shit, they should have guns too." "Yeah, they got guns (sic) they (sic) muthafuckin Crips in a Blood neighborhood." Deputy Terry reported to investigators that both women stated repeatedly that they had just been with Freddie and Keyonte Davis moments prior to the shooting and that both men had been armed. Deputies were unable to contact any witnesses to the shooting.

At the hospital, Keyonte Davis waived his Miranda rights and told investigators that several minutes prior to the shooting, he left his house with his [redacted] Freddie Davis, his [redacted] and his [redacted] Together they walked to F & C

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[4] Deputy Helbing, who is left handed, was steering his patrol vehicle with his right hand and fired his service weapon out of the window with his left hand. He fired four rounds from his H&K, .45 caliber semi-automatic service weapon.

[5] The shotgun was unregistered. The .380 Davis Industries handgun was registered to [redacted]

[6] The women were never identified, however, their descriptions matched those of [redacted] and [redacted]

[7] The area of the shooting is known as a Blood gang neighborhood. The Cal-Gang database lists Freddie Davis as a member of the Cold Nigga Mafia gang in Long Beach; no listing for Keyonte Davis was found.

Liquor, purchased three beers and left. As the four were returning home, the two women stopped at a Church's Chicken to speak with Ms. [redacted] and he and Freddie Davis continued home.

Keyonte admitted that the .380 semi-automatic handgun that was recovered belonged to him and that he was carrying it in his jacket pocket for protection. He stated that, as he and his [redacted] were walking home, he observed a police car, got scared due to the handgun he was carrying, and began running. He stated to investigators that after he began running, he could not see what Freddie, who was behind him, was doing. He said that he ran westbound on 148th Street, heard several gunshots, took his jacket off and felt that he had been shot in the leg. Keyonte stated that he did not see Freddie Davis with a weapon at any time that evening.

Keyonte was charged with two misdemeanor counts: carrying a concealed firearm, in violation of Penal Code §12025(a)(2); and carrying a loaded firearm, in violation of Penal Code §12031(a)(1), in case number 6CP01443. He pled guilty to one count of carrying a concealed firearm and was sentenced to 30 days in County Jail.

On February 23, 2006, Deputy Medical Examiner Yulai Wang, M.D., performed an autopsy on the body of Freddie Davis and attributed the cause of death to, "multiple gunshot wounds." Five gunshot wounds were located: two in the back and three in the left buttocks.[8] Toxicology results revealed the presence of ethanol, marijuana and an opiate derivative, hydrocodone, in Freddie Davis's system.

The path of the bullets supports the deputies' assertions that Freddie Davis turned to face them before Sergeant Tatreau and Deputy Helbing discharged their service weapons. It is not remarkable that the bullets entered Davis's back. Research by Bill Lewinski, Ph.D., and Alexis Artwohl, Ph.D., has shown that a subject can be facing a shooter at the time the shooter decides to shoot, but facing away with his back to the shooter by the time the bullet reaches his body.[9]

LEGAL ANALYSIS

Penal Code § 835 states that, "Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or overcome resistance."

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[8] Two rounds were recovered, both from Sergeant Tatreau's service weapon.

[9] See Artwohl, Alexis, Ph.D., *Perceptual and Memory Distortion During Officer-Involved Shootings.* (October 2002) Law Enforcement Bulletin, Lewinski, Bill, Ph.D., *Why is the Suspect Shot in the Back?* (November/December 2000) The Police Marksman, pages 20-28, Lewinski, Bill, Ph.D. and Hudson, Bill, Ph.D., *Time to Start Shooting, Time to Stop Shooting? The Temple Study.*(September/October 2003) The Police Marksman, pages 26-29 and Lewinski, Bill, Ph.D., *Biomechanics of Lethal Force Encounters.* (November/December 2002) The Police Marksman, pages 19-23

The United States Supreme Court has held that in evaluating the use of force by police officers, "reasonableness" is to be judged from the perspective of a reasonable officer at the scene, taking into account circumstances surrounding the use of force, including whether the suspect poses an immediate threat to the safety of the officers or others and whether he is actively resisting arrest. In determining the reasonableness of an officer's actions, allowances must be made for the fact that police officers are often forced to make split-second judgments, in circumstances that are tense, uncertain and rapidly evolving, about the amount of force that is necessary in a particular situation. Graham v. Connor (1989) 490 U.S. 386, 396-398.

An officer may reasonably use deadly force when he confronts an armed suspect in close proximity whose actions indicate an intent to attack; in those circumstances, the court cannot ask officers to hold fire in order to ascertain whether the suspect will, in fact, injure or murder the officer. Martinez v. County of Los Angeles (1996) 47 Cal.App.4th 334.

CONCLUSION

The evidence presented establishes that both Freddie and Keyonte Davis were armed with firearms when contact by Los Angeles County Sheriff Deputies. Sergeant Tatreau was approximately fifteen feet from Freddie Davis, well within the killing zone of the shotgun, when Freddie pointed the shotgun at the Sergeant who responded with lethal force. We conclude that Sergeant Tatreau and Deputy Helbing reasonably believed that they were in imminent danger of being shot by Freddie Davis and acted lawfully in self-defense and the defense of others when they used deadly force. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

TAL KAHANA
Deputy District Attorney
(213) 974-5089

c: Sergeant James Tatreau #[redacted]
Deputy Russell Helbing #[redacted]